IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
          Paul McAlinden   §
                                                  §   Art Unit: 2684
                                                  §
Serial No.:   09/909,213   §
                                                  §   Examiner: Tilahun B. Gesesse
Filed: July 19, 2001   §
                                                  §
For: Reducing The Time Difference   §   Docket: ITL.0601US
       Between Programs Being Transmitted   §   P11742
       To Two Different Receivers   §
       (As Amended)   §

Mail Stop **Non-Fee Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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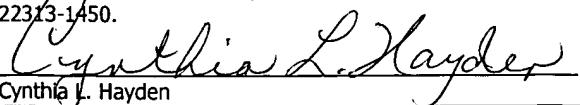
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Technology Center 2600

REPLY TO PAPER NO. 5

Sir:

In response to the office action mailed January 16, 2004, reconsideration is requested in view of the following remarks.

REMARKS

Kermode does not teach the time difference between a first program and a second program. Nothing in column 4, lines 14-23, or Figure 2 indicates anything but the contrary. Thus, reconsideration of the assertion that anything therein supports determining a time difference between first and second programs is respectfully requested.

The assertion that Carter discloses reducing client latencies seems to be irrelevant to the claimed invention. As pointed out in the previous response, Carter points out that it may take a long time for programs to merge. Thus, Carter teaches away from the claimed solution. In effect, Carter points out that piggy backing simply does not work when the time difference is too high unless a very powerful server is utilized. However, with the present invention, piggy backing may still be useful, despite Carter's concerns, by determining whether the time difference is reasonable enough to go ahead and attempt to sync up the two programs. Thus, Carter suggests that what the present invention does is not possible. Since Carter teaches away, the combination that relies on Carter will be necessarily insufficient. Thus, the combination of Kermode, which teaches nothing of relevance, and Carter, which teaches away, does not add anything to the asserted rejection.

The reliance on Campanella is not understood. The cited section seems to relate to a radio receiver which attempts to sync up using a correlator. It has nothing to do with syncing up two programs and it has nothing to do with determining whether the time difference between two programs is below a certain level. While synchronization may be known, the fact that synchronization is used in radio frequency receivers seems to have nothing whatsoever to do with the claimed invention.

In view of these remarks, the application is now in condition for allowance.

Respectfully submitted,

Date: <u>March 9, 2004</u>

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